MADRASA AND UNIVERSITY IN THE MIDDLE AGES

In a paper delivered at the University of California, Los Angeles, on the occasion of the Second Conference for Islamic Studies (1), I spoke on the subject of "Law and Traditionalism in the Institutions of Learning in Medieval Islam". In that paper, I touched upon the subject of the Islamic madrasa and the Christian university in the middle ages comparing them briefly in some aspects of their development. The present paper (2) carries the discussion further along these same lines.

In studying an institution which is foreign and remote in point of time, as is the case of the medieval madrasa, one runs the double risk of attributing to it characteristics borrowed from one's own institutions and one's own times. Thus gratuitous transfers may be made from one culture to the other, and the time factor may be ignored or dismissed as being without significance. One cannot therefore be too careful in attempting a comparative study of these two institutions: the madrasa and the university. But in spite of the pitfalls inherent in such a study, albeit sketchy, the results which may

(1) At this conference, held in May, 1969, the second award of the Levi Della Vida medal for Islamic Studies was presented to the late Professor Joseph Schacht; the papers of the conference are now in the press.

(2) A modified version of this paper was delivered at the annual meeting of the American Oriental Society in Baltimore, April, 1970.

be obtained are well worth the risks involved. In any case, one cannot avoid making comparisons when certain unwarranted statements have already been made and seem to be currently accepted without question. The most unwarranted of these statements is the one which makes of the "madrasa" a "university".

In studying Islamic institutions of learning the risks are not confined to the comparative aspects. Other obstacles are involved in the field of Islamic studies alone. The documentation on these institutions is anything but abundant, and the available texts are brief in their descriptions, cryptic and deceptive in their language. In some of the studies we already have, generalizations are made on the basis of insufficient evidence. The paucity of the documentation leads to the use of hypotheses which sometimes are stated, perhaps unconsciously, as acquired facts. The facts of one period are made to speak also for other periods, as though change was foreign to Islamic society; and what may be true for one region is at times applied to other regions without adequate justification.

In the following remarks, it will be seen that the madrasa and the university were the result of two different sets of social, political and religious factors. When speaking of these two institutions, unless otherwise stated, my remarks will refer, for the most part, to the eleventh century in Baghdad and the thirteenth century in Paris. These are the centuries given for the development of these institutions in the Muslim East and the Christian West, respectively. Their appearance, in each case, took place somewhat earlier. Perhaps, we shall never be quite certain as to the date of the earliest madrasa or the earliest university. To know this, we would have to be certain of possessing the earliest charter of a madrasa or a university, which is not very likely. But, at all events, the centuries mentioned for both institutions are certainly the first important centuries of their development.

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Organization, privilege and protection were essential elements

of the university in the West. *Universitas*, the term which eventually came to be used synonymously with *studium generale*, and to designate what we now know as the university, originally meant nothing more than a community, guild or corporation. It was a corporation of masters, or students, or both. The university designated all those who were engaged in the activity of learning in a given city. It designated a community, not a building, or group of buildings. This community having common interests, formed itself into a corporation seeking, in unity, safety and security. Its members were for the most part citizens of other cities who, once in Paris, found that as "aliens" there, they were denied the privileges which were normally those of the local citizens. Individually they were helpless against the discriminatory treatment from which they suffered at the hands of local citizens, merchants and landlords; but as a corporation, a trade-union of intellectuals, they could do something about it. Not being tied down by buildings and heavy equipment, but being on the contrary a very mobile group, they could threaten to leave the city and migrate somewhere else where they could get better treatment.

A threat to secede was a real economic threat to the city, given the size of the corporation involved and the prestige accruing to the city from having, as residents, illustrious personalities from other parts of the Christian world, Italy, Germany and especially England. Gradually, the university acquired privileges and protection from king and pope, who were each interested in developing this budding institution which had local monopoly and international reputation.

Herein lies one of the essential differences between the two educational systems, East and West. Whereas a Christian was a citizen of a particular city and an alien in another, a Muslim, by the very fact that he was a Muslim, had the same political status wherever he went in the Muslim world. There being no change of "citizenship" status while away from one's own city [1], there was no need to seek safety in numbers. The

(1) A Muslim traveller (*ibn as-sabīl*, wayfarer) was one of the eight categories of persons legally entitled to a share of the alms-tax *(zakāt)*, from the public treasury *(bait al-māl)*, even though his indigence was merely temporary and he could, in no sense, be qualified as poor once back in his own town.

corporation of masters and students which came into being in Europe had no reason to develop in the Muslim East.

Baghdad, like Paris, was a great center of learning in the Muslim East. Scholars from all parts of the Muslim World visited this seat of the Abbasid Caliphate. It was a regular stop for Muslims on their way to or from their pilgrimage to Mecca. In Baghdad, these scholars—masters and students alike, were no more exposed to fraud or abuse by the local merchants or landlords than were their local colleagues.

The madrasa, unlike the university, was a building, not a community. It was one among many such institutions in the same city, each independent of the other, each with its own endowment. A threat to secede could only mean that a fraction of the learning establishment was involved; and if the threat were carried out, others were ready to take their place. There was no monopoly. Such a threat would represent a great loss to the students in scholarship security. A professor would have a hard time carrying out his threat.

In the West the scholars of the University were ecclesiastics, people of the Church. The university was becoming more and more important with its growing numbers coming from all parts of Christendom to learn and teach. The popes saw in the university both a blessing and a danger; it was a blessing as a center for the propagation of orthodox truth; it could be a danger as a center for the propagation of heretical error. It was in the interest of the popes to see that it developed into a bastion for orthodoxy. Kings and Emperors also lent their support to the universities of their realms. But the unique position of Paris in the Christian world was of special interest to the popes. Papal independence of secular interference had already been assured by a decree of the Third Lateran Council of 1179; a two-thirds majority of the college of cardinals could henceforth elect a new pope without confirmation by the emperor. With Pope Innocent III (1198-1216) the papacy attained the apex of its leadership, power and prestige, at a time when the universities were beginning to flourish and feel their own strength. At this time, the University of Paris was seeking independence from the local church hierarchy.

It found ready help and support from the papacy by way of privileges and protection, favoring its members, in order the better to domesticate them. It freed the University from local control, but adapted it to its own policy. It was an alliance to the mutual advantage of both parties.

Now, whereas the popes were the ultimate guardians of orthodoxy in the Christian hierarchy, in Islam which lacked a religious hierarchy, it was the ulama, or religious scholars, themselves, who ultimately had to see to the preservation and propagation of orthodox truth. This function was only nominally one of those assigned to the Caliph, and, by his delegation, to the Sultan or lesser princes, to defend, by force of arms if necessary. The ultimate guardians, in theory as well as in practice, were the ulama: they were, as the tradition goes, "the heirs of the prophets" *(al-'ulamā' warathatu 'l-anbiyā')* and it is to them that history points as the guardians of orthodox truth. They, like the popes, had much to offer; and Caliphs, sultans, ministers and others, men of power, wealth and influence supported them in return for support from their followers among the people. But since these scholars were not an organized community, patronage could only operate on an individual basis.

Centralization in medieval European cities, and decentralization in those of medieval Islam—such was the situation in the institutions of learning on both sides of the Mediterranean. Paris was a city with one university; Baghdad, on the other hand, had a great number of institutions of learning. In Paris organized faculties were brought into a single system resting on a hierarchical basis; in Baghdad, one leading scholar (and others of subordinate positions) taught in one of the many institutions, each institution independent of the other, with its own charter, and its own endowment.

Here we have another essential difference between the two institutional systems: hierarchical and organized in medieval Europe, individualistic and personalized in medieval Islam. These characteristics made control a simple operation in the West, a complex one in the East. Control the university in a medieval European city and you control higher education in that city; one city, one university. To achieve the same effect

in the Islamic city, one would have to control as many institutions as there were leading ulama; a great number indeed.

Perhaps the most fundamental difference between the two systems is embodied in their systems of certification; namely, in medieval Europe, the *licentia docendi*, or license to teach; in medieval Islam, the *ijāza*, or authorization. In Europe, the license to teach was a license to teach a certain field of knowledge. It was conferred by the licensed masters acting as a corporation, with the consent of a Church authority, in Paris, by the Chancellor of the Cathedral Chapter. Even in Bologna, whose organization and development was quite different from that of Paris, and where masters alone conducted examinations and conferred in their own name the license to teach, there the situation was changed by Pope Honorius III in 1219 when he enjoined that no one could be promoted to the rank of doctor without the consent of the Archdeacon of Bologna, thus curtailing the liberty of the doctors of Bologna and bringing it in line with hierarchical ideas.

Certification in the Muslim East remained a personal matter between the master and the student. The master conferred it on an individual for a particular work, or works. The certificate, or *ijāza*, authorized the student to transmit the work in question. The master authorizing the book was either its author or a person duly authorized to teach it, having received his authorization *(ijāza)* from the author, directly or indirectly, through a transmitter or chain of transmitters leading back to the author. Qualification, in the strict sense of the word, was supposed to be a criterion, but it was at the full discretion of the master, since, if he chose, he could give an *ijāza* to children hardly able to read, or even to unborn children. This was surely an abuse of the system; for the *ijāza* was meant to bear witness that the person authorized had heard from the author or duly authorized master, or read in the presence of the author or a duly authorized master, the contents of the document bearing the authorization. But no official system was involved. The *ijāza* was a personal matter, the sole prerogative of the person bestowing it; no one could force him to give one.

Before the advent of the *licentia docendi*, the conditions for teaching were much the same in medieval Europe and in the Muslim world. The most obvious condition was that the candidate had to have studied under a master for some time that branch of learning which he intended to teach. Other conditions were good moral character, and orthodoxy. For instance, a candidate could be prohibited from teaching if the master suspected that he might be liable to err against orthodoxy, either out of ignorance or because of heretical views ([1]).

But Europe developed the license to teach, and with its development came the parting of the ways between East and West in institutionalized higher education. In medieval Islam, where the *ijāza* remained a personal matter between master and disciple, politics had no role to play. A disciple simply went from one master to another gathering authorizations; the more he gathered, the more he qualified himself as a scholar.

In Europe, on the contrary, the *licentia docendi* soon became a bone of contention between the university and local church authority. In the beginning, this license to teach represented the control which the Chancellor of the Cathedral exercised over the masters before the rise of the university. He could grant it, or refuse to do so, at his own discretion; he could even deprive the master of a license already granted. But, while the masters could not force the chancellor to grant a license to a candidate who had passed their examinations, he in turn could not force them to admit to their association someone licensed by him. This was the inception, on the analogy of the initiation into a guild, which was just as necessary for the teacher as the Chancellor's license. The licentiate was not a full "master" until he had "incepted". At the pre-inception stage, he was in the same poisition as a trade "journeyman", waiting to be initiated as a full "master" into the trade-union.

(1) See G. Paré, A. Brunet et P. Tremblay, La renaissance du XII^{e} siècle : Les écoles et l'enseignement (Paris et Ottawa 1933), p. 68.

In this struggle between the Chancellor and the University the pope intervened supporting the claims of the university. For all practical purposes, the right to grant the license passed to the masters of the university; the chancellor had to grant it to a candidate on the recommendation of the faculty. This victory the university owed to the protective support of the pope.

The license to teach in medieval Europe brought with it fixed curricula, fixed periods of study and examinations. Whereas the *ijāza* in Islam kept things on a more fluid, a more individualistic and personal basis.

In the Christian West, there can hardly be any doubt that the earliest university guilds arose spontaneously. An intellectual community came into being because its members saw the advantages which were to be obtained in banding together. But soon kings and popes began to found their own universities and to grant the graduates of those universities the license to teach, not only in the city itself but anywhere in the Christian world without having to obtain another license from the university of the city in question. This license which was to be recognized everywhere was the *licentia ubique docendi*. The early universities' licenses were acknowledged to have this character by reason of their reputation and were said to have it by custom *(ex consuetudine)*. Nevertheless Paris saw fit to ask the pope to grant it such power formally.

In the Muslim East, the license remained outside the reach of the state. Neither Caliph, nor Sultan, nor Minister, nor prince, could grant a license or legislate with regard to it in any way, even when these rulers themselves were the founders of the institutions. The masters retained control of the destiny of studies and of qualifying others for its propagation This situation narrowed down the play of politics in the field of education. It narrowed it down to the founding of institutions. But even here they were not alone in the field. Any Muslim who had the means to do so, could found an institution of learning by means of a waqf, endow it with property, and restrict its use to a certain class of people, as long as the purpose of the endowment could be construed as being a work pleasing

to God *(qurba)*. Waqfs may be endowments of a religious or public nature; e. g., mosques, madrasas, hospitals, waterworks, and bridges. The Madrasa Niẓāmīya was such a foundation or waqf. The founder, Niẓām al-Mulk, had a perfect right to restrict it to Shāfi'i teachers and students. The written charter of this institution testifies to the fact of these restrictions by the founder (1). If Niẓām had founded the madrasa as an agent of the Saljūqid Sultan whose vizier he was, then one would expect the madrasa to have been a hanafi one, since the Sultan was hanafi; hanafi students would have been allowed to study there; but that was not the case.

It has been said that to teach in the madrasa, an official permit was needed, whereas in the mosques, none was needed; and this was based on the fact that Nizām's permission had to be obtained before a professor could teach in his school. This, however, was perfectly normal procedure. Niẓām al-Mulk, having expressed, in the charter of the school, his wish to retain control over appointments, this procedure had to be followed. He was not appointing in the name of the state, but rather in his own name, as a patron of learning; and the prerogative was his to exercise, just as it would be that of any other patron. The Hanafi institution which was founded at the same time as the Nizāmīya by the financial minister of the Sultan Alp Arslān whose name was Abū Sa'd al-Mustaufi, apparently followed a different system of appointment. We do not as yet have the charter of this institution, The Shrine College of Abū Hanīfa, but when its first professor died, two years after his appointment, the *Diary* of the contemporary Ibn al-Bannā' states that the new professor was appointed by *them* (2), referring to persons, in the plural, who made the appointment locally in Baghdad, not the founder himself, as in the case of Niẓām

(1) See G. Makdisi, « Muslim Institutions of Learning in Eleventh-Century Baghdad, » in *Bulletin of the School of Oriental and African Studies*, XXIV (1961), p. 37.

(2) G. Makdisi, *op. cit.*, p. 22 and n. 7 ; *ibid.*, "Autograph Diary of an Eleventh-Century Historian of Baghdad," in *BSOAS*, XIX (1957), p. 288 (para. 136) and p. 300 (para. 136). Ilyās ad-Dailamī (d. 461 H.) was the Hanafi professor of law who died and was replaced by Abū Ṭālib Nūr al-Hudā az-Zainabī (d. 512 H.).

al-Mulk. Permission to teach was not given in the name of the state, but in the name of the founder himself, or by a committee of scholars, but always according to the stipulations of the charter.

There is another fundamental reason why the university, as it developed in Europe, did not develop in the Muslim East. This reason is to be found in the very nature of the corporation. Corporations, as a form of social organization, had already developed in Europe. Their legal basis was to be found in Roman Law which recognized juristic persons. Islamic law, on the other hand, does not recognize juristic persons (1). It recognized the physical, natural person as the only juristic person; and therefore, a corporation, as a fictitious legal person, as an entity with interests recognized and secured by the law, as a group which, in the contemplation of the law, has an existence independent of its individual members, such an entity is totally foreign to Islamic law and to the Islamic experience in the middle ages (2).

Thus the university, as a form of social organization, was peculiar to medieval Europe. Later, it was exported to all parts of the world, including the Muslim East; and it has remained with us down to the present day. But back in the middle ages, outside of Europe, there was nothing anything quite like it anywhere.

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(1) Cf. Joseph Schacht, *An Introduction to Islamic Law*, Oxford (Clarendon Press) 1964, p. 125.

(2) The legal aspects of the madrasa will be treated more at length in a separate study.